

REMARKS

REJECTIONS UNDER 35 U.S.C. § 112

Claim 52 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 52 has been cancelled. Therefore, the rejection of this claim is moot.

REJECTIONS UNDER 35 U.S.C § 103

Claims 32-33, 40-41, 43, and 49-50

Claims 32-33, 40-41, 43, and 49-50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,522,880 issued to Verma et al. (*Verma*) in view of U.S. Patent Publication No. 2002/0174194 attributed to Mooney et al. (*Mooney*). Claim 41 has been cancelled. Therefore, the rejection of this claim is moot. Despite the Examiner's insistence that *Mooney* does relate to wireless communication environments, Applicant maintains that the subject matter of claims 32-33, 40, 43, and 49-50 would not have been obvious to one of ordinary skill in the art in light of *Verma* combined with *Mooney* because *Mooney* represents non-analogous art. The inventions of claims 32-33, 40, 43, and 49-50 relate to wireless communication systems, as stated at p. 1, line 6 of Applicant's written specification. *Mooney*, on the other hand, relates to web-based email/message accounts, an unrelated field of technical art. *Mooney*, page 1, [0001].

The Office action cites to paragraph [0156] to support the assertion that *Mooney* relates to wireless communication systems. However, the cited portion of *Mooney* only discusses that an embodiment of the invention can be implemented as computer code. See paragraph [0156]. In a passing reference, *Mooney* states that the computer code can be transmitted using wireless

transmission techniques. Transmitting computer code wirelessly is not inventive and does nothing to bring the invention in *Mooney* within the purview of art associated with wireless communication systems. The fact remains that *Mooney* relates to web-based email/message accounts and one of ordinary skill in the art of wireless communication systems would not have had knowledge relating to the providing of access to message accounts from a single web-based interface. Furthermore, the problems in the art of wireless communication systems addressed by Applicant's inventions bear no rational relation to those addressed in *Mooney* so that one of ordinary skill in the art of wireless communication systems would not have been drawn to the *Mooney* reference for possible solutions.

Given that *Mooney* represents a field of art that is not analogous to that of Applicant's inventions, "a person having ordinary skill in the art to which [the invention] pertains" (35 U.S.C. § 103) would not have been familiar with nor looked to *Mooney* when addressing problems in the field of network devices. Therefore, Applicant submits that *Verma* and *Mooney* do not jointly render claims 32-33, 40, 43 and 49 obvious.

Even in the unlikely event that *Mooney* could be considered to represent a field of art analogous to that of Applicant's inventions, the combination of *Verma* with *Mooney* fails to teach or suggest every element of claims 32-33, 40-41, 43 and 49-50. For example, claim 32 recites, in part, the following:

generating, if the received request is a request for a new session, a communication session identifier that uniquely identifies the session and accompanies the subscriber unit's access through any of a plurality of basestations during the session.

Claims 40 and 49 recite similar limitations.

The Office action states that *Verma* fails to teach or disclose that the session identifier accompanies the subscriber unit's access through any of a plurality of basestations. Applicant agrees that *Verma* is deficient in this regard.

The Office action cites *Mooney* as teaching the deficient limitations. In particular, the Office action states that *Mooney* teaches using a “unique session ID as a cookie to access one or more message servers i.e., CallPilot server 48 (i.e., basestation). As discussed above, *Mooney* is simply not analogous art, which is demonstrated by the comparison of a (CallPilot) web server to a wireless basestation. A web server is not a wireless basestation.

The cited portion of *Mooney* discusses session IDs, but not in the context of wireless communications. More importantly, the session ID in *Mooney* is stored as a cookie and is persistent only as it relates to the user. In other words, the session ID cookie of *Mooney* does not uniquely identify a single session. For example, *Mooney* states that “if the user deliberately abandons or lets the session timeout, and then proceeds to request another ASP file, ASP begins **a new session** using the same cookie.” *Mooney*, paragraph [0098] (emphasis added). Given that *Mooney* does not teach or disclose a session ID that uniquely identifies a single session, *Mooney* cannot possibly teach or disclose a session ID that uniquely identifies a single session between a wireless subscriber unit and a data network access server as the subscriber unit moves between basestations during the session. Thus, *Mooney* fails to cure the deficiencies of *Verma*. Therefore, Applicant submits claims 32, 40, and 49 are not obvious in view of *Verma* and *Mooney*.

Claim 33 depends from claim 32. Claim 43 depends from claim 40. Claim 50 depends from claim 49. Given that dependent claims necessarily include the limitation of the claims from

which they depend, Applicant submits claims 33, 43 and 50 are not obvious in view of *Verma* and *Mooney* for at least the reasons described above.

Dependent Claims 34-39, 42, 44-48, 53, and 58

Claims 34-39, 42, 44-48, 53 and 58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Verma* and *Mooney*, and further in view of various other cited references: specifically, claims 34, 44 and 58 in view of U.S. Patent Publication No. 2001/0053694 attributed to Igarashi (*Igarashi*); claims 35-39 in view of U.S. Patent Publication No. 2003/0012149 attributed to Maggenti et al. (*Maggenti*) and further in view of U.S. Patent No. 6,006,266 issued to Murphy, Jr. et al. (*Murphy*); claims 42, 45-48 and 53 in view of *Maggenti*. Applicant notes that the examination of the claimed invention and the application of these numerous references is a significant task; Applicant thanks the Examiner for the thorough examination and the thorough analysis of the references.

Applicant respectfully submits that these claims are not rendered obvious by the cited references for at least the following reasons. Claims 44, 48, 53 and 58 have been cancelled. Therefore, the rejection of these claims is moot. As to the remaining claims, each of the rejections made above is based on the application of *Verma* and *Mooney*, shown above to be defective with respect to the independent claims 32, 40 and 49 from which each of the above-listed dependent claims depends. The cited references do not cure the deficiencies of *Verma* and *Mooney* noted above with respect to the independent claims. Applicants respectfully submit that a *prima facie* case of obviousness under MPEP § 2143 has not been established with respect to independent claims 32, 40 and 49, at least for failing to establish that the cited references disclose every element of the claimed invention. Because the independent claims are nonobvious, the dependent claims are also nonobvious. See MPEP § 2143.03.

NEW CLAIMS

Claims 59-63 have been added. Claim 59 is directed to a wireless subscriber unit and includes limitations similar to those of claim 32. Applicant submits claim 59 is patentable for at least the same reasons claim 32 is patentable. Claims 60-63 are likewise patentable given their dependence from claim 59.

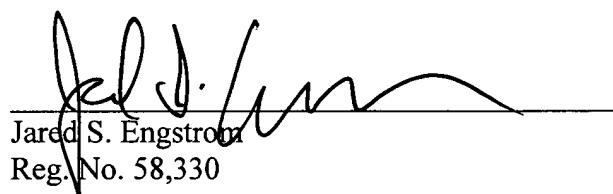
CONCLUSION

For at least the foregoing reasons, Applicant submits that claims 32-40, 42, 43, 45-47, 49-51 and 59-63 contain allowable subject matter and are in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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